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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,851	05/27/2005	Yann Georges Lepage	20010.0002USWO	4648
52835	7590	05/26/2009		
HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902			EXAMINER KO, STEPHEN K	
			ART UNIT	PAPER NUMBER
			1792	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,851	<b>Applicant(s)</b> LEPAGE ET AL.	
	<b>Examiner</b> STEPHEN KO	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) 14-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 13 and 24-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. Objection to the specification is withdrawn in view of applicants' amendment.

### ***Claim Rejections - 35 USC § 112***

2. Rejection to claims 12-13 under U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

Art Unit: 1792

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 12-13, 24-25, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden (US 5,351,359).

Golden teaches a method for cleaning ropes, lines or similar items (read as elongated article, abstract) comprising the step of attaching around the ropes, lines or similar items a cleaning device (Fig.1, abstract) including a brush-like scrubbing medium (Fig.2, abstract) and a hydrodynamic drag structure (note that any structure can be a hydrodynamic drag structure, since all structure will produce drag); and towing the ropes, lines, or similar items (Fig.1), which creates a drag with the hydrodynamic drag structure as the ropes, lines or similar items is moved along its longitudinal axis, the drag having the effect of moving the cleaning device along the ropes, lines or similar items relative to the ropes, lines or similar items. Although Golden does not specifically indicate cleaning a towed seismic streamer, since seismic streamer comprises an elongated structure, which is immersed in sea water for a long time and therefore is subject to fouling and Golden teaches cleaning of elongated structures, one skilled in the art would have found obvious to utilize the method of Golden to clean a towed seismic streamer with reasonable expectation of success.

Regarding to claim 13, reciting the speed of movement of the appliance along the seismic streamer is in a range of between 0.5 and 2.5 meters per second, it is noted that these parameters are result effective, because they affect the scrubbing power of

Art Unit: 1792

the brush-like scrubbing medium, hence affecting the effectiveness of cleaning, and one skilled in the art would modify different variables to achieve optimum result, consult, *In re Boesch*, 617, F.2d 272, 205 USPQ 215 (CCPA 1980).

For claims 24 and 30, note that the method will maintain approximately constant orientation in relation of the longitudinal axis of the ropes, lines or similar items during the cleaning device moving along the ropes, lines or similar items, as a line (Fig.1, #26) is provided to hold the cleaning device.

For claim 25, note that the cleaning device comprises buoyancy means (col.3, L.9).

For claim 31, since the method of Golden can be used to clean a chain, which has a uneven surface, one skilled in the art would have found obvious to utilize the method of Golden to clean a towed seismic streamer having an appendages (i.e. uneven surface) with reasonable expectation of success. Note that the cleaning method comprises the step of providing the cleaning device astride the whole surfaces of the rope, lines or similar items.

7. Claims 26-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden (US 5,351,359) in view of Pickens (US 4,290,123).

Golden teach a method cited above.

Golden remains silent about the steps of positioning and guiding the cleaning appliance by means of at least one pair of members adapted to contact at low friction, respectively, approximately diametrically opposite portions of the outer tubular surface of the seismic streamer, wherein the members are rollers.

Pickens teaches a method comprising the step of positioning and guiding an device coupled on an array comprising the steps of positioning and guiding the cleaning appliance by means of at least one pair of roller (Fig.5, #32a and #32b, col.7, L.6-7) adapted to contact at low friction, respectively, approximately diametrically opposite portion of the outer tubular surface of the seismic streamer (Fig.5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Golden by adding the steps of positioning and guiding the cleaning appliance by means of at least one pair of members adapted to contact at low friction, respectively, approximately diametrically opposite portions of the outer tubular surface of the seismic streamer, wherein the members are rollers as inspired by Pickens to prevent the cleaning device from releasing the array/cable/streamer during cleaning operation, thus, enhance the cleaning efficiency.

For claim 29, note that Pickens teaches moving the roller away from the contact (Fig.2) and forcing the roller into contact with the outer surface of the array/cable (Fig.1, col.6, L.2-4).

8. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden (US 5,351,359) in view of JP 6-165336.

Golden teaches a method cited above.

Golden remains silent about the steps of positioning and guiding the cleaning appliance by means of at least one pair of members adapted to contact at low friction, respectively, approximately diametrically opposite portions of the outer tubular surface of the seismic streamer, wherein the member are rollers; and cleaning the streamer by

Art Unit: 1792

rotating at least two brushes positioned on either side of the streamer, said brushes being respectively driven by said rollers engaging the seismic streamer.

However, JP 6-165336 teaches a method comprising position and guiding the cleaning appliance by means of at least one pair of members (Fig.1, #2; and #5, #6 as a whole), comprising rollers (Fig.1, #5 and #6 as a whole), adapted to contact at low friction, respectively, approximately diametrically opposite portions of the outer tubular surface of a cable; and cleaning the streamer by rotating at least two brushes (Fig.1, #6) positioned on either side of the streamer, said brushes being respectively driven by the rollers engaging the seismic streamer (Fig.1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Golden by adding the steps of positioning and guiding the cleaning appliance by means of at least one pair of members adapted to contact at low friction, respectively, approximately diametrically opposite portions of the outer tubular surface of the seismic streamer, wherein the member are rollers; and cleaning the streamer by rotating at least two brushes positioned on either side of the streamer, said brushes being respectively driven by said rollers engaging the seismic streamer as inspired by JP 6-165336 to prevent the cleaning device from releasing the cable/streamer during cleaning operation, thus, enhance the cleaning efficiency.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 12-13, 24-31 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 1792

10. Regarding to applicants' argument that the cleaning method of Golden is incompatible with the context of the present invention, Examiner position is that one skilled in the art would find it obvious to clean the seismic streamer when towing the seismic streamer, which is similar to the cleaning of elongated object of Golden. Note that the streamer (Fig.1, #7 of current application) near the drum (Fig.1, #3 of current application) is not horizontal. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. In response to applicants' argument regarding "brush cleaning art", examiner's position is that since applicants are using brushes to clean the surface of the seismic streamers (surface of a cable/rope/line-like article), using references teaching cleaning with brushes would be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN KO whose telephone number is (571)270-3726. The examiner can normally be reached on Monday to Thursday, 7:30am to 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone



Art Unit: 1792

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK

/Michael Kornakov/  
Supervisory Patent Examiner, Art Unit 1792